

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

GENE ALLEN HERROLD,	:	
Petitioner,	:	
v.	:	Civil Action No. 06-126J
JOHN YOST, WARDEN,	:	
F.C.I. LORETTO,	:	
Respondent	:	

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for a Report and Recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on June 16, 2006, docket no. 4, recommending that the petition be summarily dismissed.

The petitioner was notified that pursuant to 28 U.S.C. § 636(b)(1), he had ten days to serve and file written objections to the Report and Recommendation. Petitioner filed objections on June 20, 2006, docket no. 5, but the objections are meritless.

After de novo review of the record of this matter, together with the Report and Recommendation and the timely objections thereto, the following order is entered:

AND NOW, this 30<sup>th</sup> day of June, 2006, it is

ORDERED that the petitioner's petition for a writ of habeas corpus is denied. The Report and Recommendation is adopted as the opinion of the Court. The Clerk shall mark this matter closed.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson". The signature is written in a cursive, flowing style with a horizontal line underneath.

KIM R. GIBSON,  
UNITED STATES DISTRICT JUDGE

Notice to:

Gene Allen Herrold #06144-067  
F.C.I. Loretto  
P.O. Box 1000  
Loretto, PA 15940